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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/03/2004

34

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

08/987,740

Applicant(s)

BOYER ET AL

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>33</u> . | 6) <input type="checkbox"/> Other: _____ |

WCW

DETAILED ACTION

1. This Action is in regards to the Request for Reconsideration received on 24 March 2004.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement submitted on 24 March 2004, have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-76** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fries, U.S. Patent No. 6,317,885 in view Goodhand et al. (Goodhand), U.S. Patent No. 5,923,848.
5. Regarding **independent claims 1 and 20**, Fries discloses the invention substantially as claimed (e.g. as in exemplary **independent claim 1**). Fries discloses *an Internet television program guide reminder system for providing reminder messages of scheduled television events to a user at a multimedia system over the Internet* (Fries teaches a system that includes a web link that displays a programming guide through the set top box. Fries teaches providing reminder messages [see Fries, Col. 18, lines 7-42, table] *comprising; a web server for providing web pages of television program listings over the Internet* (Fries teaches a system that allows for programming guide applications and cable system infrastructures email data to be sent and

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receive as well as receiving email notifications through the use of an email server), [see Fries, Col. 33, lines 19-44], *wherein the web server provides the user with an opportunity to select a television program from the television program listing web pages provided over the Internet, allows the user to order at reminder message for that television program, and sends the reminder message to the multimedia system over the Internet to remind the user when that television program is to be broadcast* [see Fries, Col. 33, table]. However, Fries remains silent on the specific teachings of e-mail for transport of reminder messages.

6. In the same field endeavor, Goodhand discloses (e.g., electronic mail system for providing auto-response to certain events). Goodhand discloses sending email reminders (Goodhand teaches that message flags may be accompanied by a due data, which generates reminders for a user via e-mail. Goodhand teaches that the method displays a reminder at a predetermined period of time prior to the due date), [see Goodhand, Figure 18, Col. 25, lines 64-67 and Col. 1-23]. By this rationale **independent claims 1 and 20**.

7. Accordingly, it would have been obvious for one of ordinary skill in the networking art to modify or incorporated Goodhand's teachings of electronic mail system for providing auto-response to certain events with the teachings of Fries, to provide a system for generating email reminders for specific events at certain times, and since Fries does provide for a system for receiving email notification as well as reminders for specific events the motivation to combine the two references is met.

8. Regarding **claims 2 and 21**, Fries-Goodhand further discloses *wherein the web pages provide an e-mail reminder option which the user selects to order e-mail reminder messages*

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(Fries teaches that the email notification on displayed as html pages), [see Fries, Col. 33, lines 29-55]. By this rationale **claims 2 and 21** are rejected.

9. Regarding **claim 3**, Fries-Goodhand further discloses *wherein the web server presents an e-mail reminder web page when the user selects the e-mail reminder option* [see rejection of claim 2, supra]. By this rationale **claim 3** is rejected.

10. Regarding **claim 4**, Fries-Goodhand discloses the invention substantially as claimed. Fries-Goodhand discloses *wherein the means for presenting the e-mail reminder web page further comprises means for providing selectable options displayed* [see Fries, Figure 6]. However, Fries-Goodhand does not explicitly disclose selectable options displayed on the e-mail reminder web page when the user is presented with the e-mail reminder web page. It would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have displayed multiple options on a web page for selecting different types of email reminders. By this rationale **claim 4** is rejected.

11. Regarding **claim 5**, Fries-Goodhand further discloses *wherein the selectable option is a how soon option for determining how soon before the broadcast of the television program the e-mail reminder message is to be generated and sent to the user* (This featured element is further taught in the combination of Fries-Goodhand. Thus, the limitation is obvious for the same reasons discussed above in the combination together as a hole). By this rationale **claim 5** is rejected.

12. Regarding **claim 6**, Fries-Goodhand further discloses *wherein the web server presents a how soon web page when the how soon option is selected* [see Fries, Col. 18, table]. By this rationale **claim 6** is rejected.

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13. Regarding **claim 7**, Fries-Goodhand discloses *wherein the selectable option is a how often option for determining how often the e-mail reminder message is to be generated and sent to the user* (The Examiner takes Official Notice). By this rationale **claim 7** is rejected.

14. Regarding **claim 8**, Fries-Goodhand further discloses *wherein the web server presents a how often web page when the how often option is selected* (The Examiner takes Official Notice). By this rationale **claim 8** is rejected.

15. Regarding **claim 9**, Fries-Goodhand further discloses *wherein the web pages provide for a view current reminders option which the user selects to receive a list of current e-mail reminder orders* (The Examiner takes Official Notice). By this rationale **claim 9** is rejected.

16. Regarding **claim 10**, Fries-Goodhand further discloses *wherein the web server presents a view current reminders web page when the user selects the view current reminders option* [see rejection of claim 9, supra]. By this rationale **claim 10** is rejected.

17. Regarding **claim 11**, Fries-Goodhand further discloses *wherein the web pages provide a new reminders option which the user selects to order an e-mail reminder message by entering a program title* (The Examiner takes Official Notice). By this rationale **claim 11** is rejected.

18. Regarding **claim 12**, Fries-Goodhand further discloses *wherein the web server presents a new reminders web page when the user selects the new reminders option* (The Examiner takes Official Notice). By this rationale **claim 12** is rejected.

19. Regarding **claim 13**, Fries-Goodhand further discloses *wherein the new reminders web page provides at least one selectable option* (The Examiner takes Official Notice). By this rationale **claim 13** is rejected.

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20. Regarding **claim 14**, Fries-Goodhand further discloses *wherein the selectable option is a how soon option for determining how soon before the broadcast of the television program the e-mail reminder message is to be generated and sent to the user* [see rejection of claim 5, supra].

By this rationale **claim 14** is rejected.

21. Regarding **claim 15**, Fries-Goodhand further discloses *wherein the web server presents a how soon web page when the how soon option is selected* [see rejection of claim 6, supra]. By this rationale **claim 15** is rejected.

22. Regarding **claim 16**, Fries-Goodhand further discloses *wherein the selectable option is a how often option for determining how often the e-mail reminder message is to be generated and sent to the user* [see rejection of claim 7, supra]. By this rationale **claim 16** is rejected.

23. Regarding **claim 17**, Fries-Goodhand further discloses *wherein the web server presents a how often web page when the how often option is selected* [see rejection of claim 16, supra]. By this rationale **claim 17** is rejected.

24. Regarding **claim 18**, Fries-Goodhand further discloses *wherein the web server provides a pay-per-view order web page* [see Fries, Col. 13, lines 58-64]. By this rationale **claim 18** is rejected.

25. Regarding **claim 19**, Fries-Goodhand further discloses *wherein the pay-per-view order web page provides an e-mail reminder option which the user selects to order an e-mail reminder message* [see rejection of claim 18, supra]. By this rationale **claim 19** is rejected.

26. Regarding **claim 21**, Fries-Goodhand further discloses *further comprising providing an e-mail reminder option which the user selects to order e-mail* [see rejection claim 1, supra]. By this rationale **claim 21** is rejected.

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27. Regarding **claim 22**, Fries-Goodhand further discloses *wherein the providing of the e-mail reminder option further comprises presenting an e-mail reminder web page when the user selects the e-mail reminder option* [see rejection of claim 3, supra]. By this rationale **claim 22** is rejected.

28. Regarding **claim 23**, Fries-Goodhand further discloses *wherein the presenting of the e-mail reminder web page further comprises providing selectable options displayed on the e-mail reminder web page when the user is presented with the e-mail reminder web page* [see rejection of claim 4, supra]. By this rationale **claim 23** is rejected.

29. Regarding **claim 25**, Fries-Goodhand further discloses *wherein the how soon option further comprises presenting a how soon web page* [see rejection of claim 6, supra]. By this rationale **claim 25** is rejected.

30. Regarding **claim 26**, Fries-Goodhand further discloses *wherein the selectable option is a how often option for determining how often the e-mail reminder message is to be generated and sent to the user* [see rejection of claim 7, supra]. By this rationale **claim 26** is rejected.

31. Regarding **claim 27**, Fries-Goodhand further discloses *wherein the how often option further comprises presenting a how often web page* [see rejection of claim 8, supra]. By this rationale **claim 27** is rejected.

32. Regarding **claim 28**, Fries-Goodhand further discloses *further comprising providing a view current reminders option which the user selects to receive a list of current e-mail reminder orders* [see rejection of claim 9, supra]. By this rationale **claim 28** is rejected.

33. Regarding **claim 29**, Fries-Goodhand further discloses *wherein the providing of the view current reminders option further comprises presenting a view current reminders web page when*

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the user selects the view current reminders option [see rejection of claim 10, supra]. By this rationale **claim 29** is rejected.

34. Regarding **claim 30**, Fries-Goodhand discloses *further comprising providing a new reminders option which the user selects to order an e-mail reminder message by entering a program title* [see rejection of claim 11, supra]. By this rationale **claim 30** is rejected.

35. Regarding **claim 31**, Fries-Goodhand further discloses *wherein the providing of the new reminders option further comprises presenting a new reminders web page when the user selects the new reminders option* [see rejection of claim 12, supra]. By this rationale **claim 31** is rejected.

36. **Claim 32** is substantially the same as claims 5 and 10, and is thus rejected for the same rationale in rejecting claims 5 and 10.

37. Regarding **claim 33**, Fries-Goodhand discloses *wherein the selectable option is a how soon option for determining how soon before the broadcast of the television program the e-mail reminder message is to be generated and sent to the user* [see rejection of claim 5, supra]. By this rationale **claim 33** is rejected.

38. Regarding **claim 34**, Fries-Goodhand further discloses *wherein the how soon option further comprises presenting a how soon web page* [see rejection of claim 6, supra]. By this rationale **claim 34** is rejected.

39. Regarding **claim 35**, Fries-Goodhand further discloses *wherein the selectable option is a how often option for determining how often the e-mail reminder message is to be generated and sent to the user* [see rejection of claim 7, supra]. By this rationale **claim 35** is rejected.

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40. Regarding **claim 36**, Fries-Goodhand further discloses *wherein the how often option further comprises presenting a how often web page* [see rejection of claim 8, supra]. By this rationale **claim 36** is rejected.

41. Regarding **claim 37**, Fries-Goodhand further discloses *further comprising providing a pay-per-view order web page* [see rejection of claim 18, supra]. By this rationale **claim 37** is rejected.

42. Regarding **claim 38**, Fries-Goodhand further discloses *wherein the providing of the pay-per-view order web page further comprises providing an e-mail reminder option which the user selects to order an e-mail reminder message* [see rejection of claim 19, supra]. By this rationale **claim 38** is rejected.

43. Regarding **claim 39**, Fries-Goodhand discloses *wherein the web -pages provide a user preference profile option which the user selects to order an e-mail reminder message by selecting from various e-mail reminder preferences* (The Examiner takes Official Notice). By this rationale **claim 39** is rejected.

44. Regarding **claim 40**, Fries-Goodhand further discloses *wherein the web server provides a user preference profile web page when the user selects the user preference profile option* [well known feature, see prior art of record Iverson et al. U.S. Patent No. 6,411,696]. By this rationale **claim 40** is rejected.

45. Regarding **claim 41**, Fries-Goodhand further discloses *wherein the user preference profile web page displays at least one selectable option* [see rejection of claim 40, supra]. By this rationale **claim 41** is rejected.

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46. Regarding **claim 42**, Fries-Goodhand further discloses *wherein the selectable option is a genre option which the user selects to order an e-mail reminder message by entering a program genre* (The Examiner takes Official Notice). By this rationale **claim 42** is rejected.

47. Regarding **claim 43**, Fries-Goodhand further discloses *wherein the web server presents a genre web page when the user selects the genre option* (The Examiner takes Official Notice). By this rationale **claim 43** is rejected.

48. Regarding **claim 44**, Fries-Goodhand further discloses *wherein the selectable option is an actor option which the user selects to order an e-mail reminder message by entering an actor's name* [The Examiner takes Official Notice]. By this rationale **claim 44** is rejected.

49. Regarding **claim 45**, Fries-Goodhand further discloses *wherein the web server presents an actor web page when the user selects the actor option* [see rejection of claim 44, supra]. By this rationale **claim 45** is rejected.

50. Regarding **claim 46**, Fries-Goodhand further discloses *wherein the selectable option is an exact title option with the user selects to order an e-mail reminder message by entering an exact program title* (The Examiner takes Official Notice). By this rationale **claim 46** is rejected.

51. Regarding **claim 47**, Fries-Goodman further discloses *wherein the web server presents an exact title web page when the user selects the exact title option* (The Examiner takes Official Notice). By this rationale **claim 47** is rejected.

52. Regarding **claim 48**, Fries-Goodhand further discloses *wherein the selectable option is a partial title option which the user selects to order an e-mail reminder message by entering a partial program title* (The Examiner takes Official Notice). By this rationale **claim 48** is rejected.

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53. Regarding **claim 49**, Fries-Goodhand discloses *wherein the web server presents a partial title web page when the user selects the partial title option* (The Examiner takes Official Notice).

By this rationale **claim 49** is rejected.

54. Regarding **claim 50**, Fries-Goodhand discloses *further comprising providing a user preference profile option which the user selects to order an e-mail reminder message by selecting from various e-mail reminder preferences* [see rejection of claim 43, supra]. By this rationale **claim 50** is rejected.

55. Regarding **claim 51**, Fries-Goodhand further discloses *wherein the providing of the user preference profile option further comprises presenting a user preference profile web page when the user selects the user preference profile option* [see rejection of claim 40, supra]. By this rationale **claim 51** is rejected.

56. Regarding **claim 52**, Fries-Goodhand further discloses *wherein the presenting of the user preference profile web page further comprises providing selectable options displayed on the user preference profile web page when the user is presented with the user preference profile web page* [see rejection of claims 40 and 41, supra]. By this rationale **claim 52** is rejected.

57. Regarding **claim 53**, Fries-Goodhand further discloses *wherein the selectable option is a genre option which the user selects to order an e-mail reminder message by entering a program genre* [see rejection of claim 42, supra]. By this rationale **claim 53** is rejected.

58. Regarding **claim 54**, Fries-Goodhand discloses *wherein the genre option further comprises presenting a genre web page when the user selects the genre option* [see rejection of claim 43, supra]. By this rationale **claim 54** is rejected.

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59. Regarding **claim 55**, Fries-Goodhand further discloses *wherein the selectable option is an actor option which the user selects to order an e-mail reminder message by entering an actor's name* [see rejection of claim 44, supra]. By this rationale **claim 55** is rejected.

60. Regarding **claim 56**, Fries-Goodhand further discloses *wherein the actor option further comprises presenting an actor web page when the user selects the actor option* [see rejection of claim 45, supra]. By this rationale **claim 56** is rejected.

61. Regarding **claim 57**, Fries-Goodhand further discloses *wherein the selectable option is an exact title option which the user selects to order an e-mail reminder message by entering an exact program title* [see rejection of claim 46, supra]. By this rationale **claim 57** is rejected.

62. Regarding **claim 58**, Fries-Goodhand further discloses *wherein the exact title option further comprises presenting an exact title web page when the user selects the exact title option* [see rejection of claim 47, supra]. By this rationale **claim 58** is rejected.

63. Regarding **claim 59**, Fries-Goodhand further discloses *wherein the selectable option is a partial title option which the user selects to order an e-mail reminder message by entering a partial program title* [see rejection of claim 48, supra]. By this rationale **claim 59** is rejected.

64. Regarding **claim 60**, Fries-Goodhand further discloses *wherein the partial title option further comprises presenting a partial title web page when the user selects the partial title option* [see rejection of claim 49, supra]. By this rationale **claim 60** is rejected.

65. Regarding **claim 61**, Fries-Goodhand discloses *wherein the e-mail reminder web page receives designations for a plurality of destinations to which the e-mail reminder message is to be sent* (This particular claimed element is taught in the combination of references by Fries.

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Thus, the limitation is obvious base upon being taught by Fries and for the reasons discussed above in the combination discuss together as a whole). By this rationale **claim 61** is rejected.

66. Regarding **claim 62**, Fries-Goodhand further discloses *wherein each destination is designated by an associated e-mail address* [see Goodhand, Col. 2, lines 11-17]. By this rationale **claim 62** is rejected.

67. Regarding **claim 63**, Fries-Goodhand further discloses *wherein the e-mail reminder web provides a selectable option that allows designation of a time at which the e-mail reminder message is to be sent* [see rejection of claim 1, supra]. By this rationale **claim 63** is rejected.

68. Regarding **claim 64**, Fries-Goodhand further discloses *wherein the e-mail reminder web page provides a selectable option that allows designation of how often the e-mail reminder message is to be sent* [see rejection of claim 7, supra]. By this rationale **claim 64** is rejected.

69. Regarding **claim 65**, Fries-Goodhand further discloses *wherein the new reminders web page receives designations for a plurality of destinations to which the e-mail reminder message is to be sent* [see rejection of claim 61, supra]. By this rationale **claim 65** is rejected.

70. Regarding **claim 66**, Fries-Goodhand further discloses *wherein each destination is designated by an associated e-mail address* [see rejection of claim 62, supra]. By this rationale **claim 66** is rejected.

71. Regarding **claim 67**, Fries-Goodhand further discloses *wherein the new reminders web page provides a selectable option that allows designation of a time at which the e-mail reminder message is to be sent* [see rejection of claim 63, supra]. By this rationale **claim 67** is rejected.

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72. Regarding **claim 68**, Fries-Goodhand further discloses *wherein the new reminders web page provides a selectable option that allows designation of how often the e-mail reminder message is to be sent* [see rejection of claim 12, supra]. By this rationale **claim 68** is rejected.

73. Regarding **claim 69**, Fries-Goodhand discloses *further comprising accepting through the e-mail reminder web page designations of a plurality of destinations to which the e-mail reminder message is to be sent* [The Examiner takes Official Notice (see MPEP 2143.03), that it is well known in the art to designate multiple destinations to which information, data, reminders, messages, email or electronic messages to be sent]. By this rationale **claim 69** is rejected.

74. Regarding **claim 70**, Fries-Goodman discloses *further comprising accepting an associated e-mail address specifying a given destination* [see Goodhand, Col. 2, lines 11-17]. By this rationale **claim 70** is rejected.

75. Regarding **claim 71**, Fries-Goodhand discloses *further comprising providing a selectable option on the e-mail reminder web page that allows designation of a time at which the e-mail reminder message is to be sent* [see rejection of claim 1, supra]. By this rationale **claim 71** is rejected.

76. Regarding **claim 72**, Fries-Goodhand discloses *further comprising providing a selectable option on the e-mail reminder web page that allows designation of how often the e-mail reminder message is to be sent* [see rejection of claim 7, supra]. By this rationale **claim 73** is rejected.

77. Regarding **claim 73**, Fries-Goodhand discloses *further comprising accepting through the new reminders web page designations of a plurality of destinations to which the e-mail reminder message is to be sent* [see rejection of claim 68, supra]. By this rationale **claim 73** is rejected.

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78. Regarding **claim 74**, Fries-Goodhand discloses *further comprising accepting an associated e-mail address specifying a given destination* [see rejection of claim 70, supra]. By this rationale **claim 74** is rejected.

79. Regarding **claim 75**, Fries-Goodhand discloses *further comprising providing a selectable option on the new reminders web page that allows designation of a time at which the e-mail reminder message is to be sent* [see rejection of claim 68, supra]. By this rationale **claim 75** is rejected.

80. Regarding **claim 76**, Fries-Goodhand discloses *further comprising providing a selectable option on the new reminders web page that allows designation of how often the e-mail reminder message is to be sent* [see rejection of claim 7, supra]. By this rationale **claim 76** is rejected.

Response to Arguments

81. Applicant's arguments filed on 24 March 2004 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicants' main points of contention.

a. Applicant asserts that the prior art of record remains silent on the specific teachings of e-mail for transport of reminder messages.

82. As to "Point A", it is the position of the Examiner that the prior art of record remains silent on the specific teachings of e-mail for transport of reminder messages [see Fries, Figure 6, Col. 33, lines 19-44]. As can readily be seen, Fries teaches utilizing a browser to select different link information, which includes television listing. Also, the prior art of record does disclose

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providing email over the internet by stating the use of a server receiving information from the internet and delivering this information to the set top box, which would also include email.

Applicant also states that since Fries teaches that the email notification sent to the set-top box of a subscriber cable network. Also, is Applicant claiming that the only means for transmitting email notification is through the Internet and not through a cable line. It is clear to the Examiner that the email notification that is received by the subscriber initially is transmitted from the internet in the form of an HTML page (web page) and these pages are sent to the subscriber through the cable line utilizing standard HTML forms [see Fries, Figure 1, items 48 and 24, Col. 33, lines 19-55]. Fries also teach that existing programming guide applications provide email broadcasts to all users. As well as having the capability to provide email notifications. It is quite obvious that one of ordinary skill would have been look into the event notification art in order to provide the specifics of reminders of events (programming guide) such as taught within Goodhand. It is the position of the Examiner that the combination of Fries-Goodhand does show as well as suggest all features of Applicant's independent claims 1 and 20. In response to the applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Also the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly

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suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, Fries already utilizing well known teachings of email notification, would have also look into the field of email notification to further enhance the system by allowing for email notification for specific events. Such as taught by Goodhand.

83. Applicant has had numerous opportunities to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

84. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art (e-mail or Internet or via e-mail). In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

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85. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Conclusion

86. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

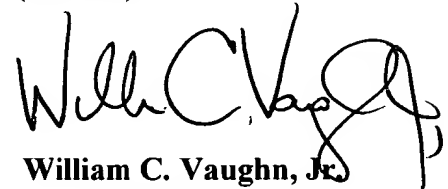
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

87. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William C. Vaughn, Jr.
Patent Examiner
Art Unit 2143
27 May 2004